



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

MINUTES PUBLIC WORKS/PARKS AND RECREATION COMMITTEE City Council Work Room, 38 Hawley Street, Binghamton Wednesday June 18, 2014

Called to Order. Called to order by Public Works/Parks and Recreation Committee Chair Motsavage at 5:30pm.

Council Members Present: Jerry Motsavage (Committee Chair), Joseph Mihalko (Committee Member), Teri Rennia, Chris Papastrat, John Matzo

Council Members Absent: Lea Webb (arrived at 6:05pm), Bill Berg (Committee Member)

Also Present: Edward Crumb, Binghamton-Johnson City Joint Sewage Board (BJCJSB) Member; Angela Holmes, City Clerk; Chuck Shager, Comptroller/BJCJSB Fiscal Officer

ITEMS CONSIDERED

Introduction. Councilman Motsavage noted for the record that the purpose of this meeting is to review comments submitted by Edward Crumb concerning the Binghamton-Johnson City Joint Sewage Treatment Plant Intermunicipal Agreement X, also called the "Master IMA". During the meeting, Council members will indicate whether a comment or proposed modification constitutes a minor change or a major change. Minor changes will consist of those comments or proposed modifications for which there is no objection, and which City Council could approve without discussion or a joint session with the Village of Johnson City Board of Trustees, should the Board of Trustees consent to the same. Major changes will consist of those comments or proposed modifications which require further discussion in a joint session with the Board of Trustees. Mr. Crumb noted that he met with the Village of Johnson City Board of Trustees on January 7, 2014 to discuss these comments, and further noted that the BJCJSB has neither reviewed nor endorsed his comments.

Minor Changes. Outlined below are those items City Council agreed to classify as "minor changes", and which will be approved without further discussion or a joint session with the Village of Johnson City Board of Trustees, should the Board of Trustees consent to the same.

- Comment 1, Preface. Include an introduction statement.
- Comment 2, Section 1. Replace reference to "Facilities" with "Plant".
- Comment 3, Section 1. Include abbreviation "TPS" after "Johnson City Terminal Pumping Station", and a statement "The TPS is part of the Facilities".
- Comment 4, Section 1. Add "Remedial" to the title "Phase III Project".
- Comment 6, Section 2. Capitalize "Treatment" and replace "facilities" with "Plant".
- Comment 7, Section 3. Amend "agreement" to "agreed".
- Comment 8, Section 4. In two locations, capitalize "Treatment" and replace "facilities" with "Plant".
- Comment 9, Section 5. Amend "tanks" to "tank".
- Comment 10, Section 6(A). Strike the following language: "The Village, however, shall continue to own the force main connecting the Johnson City Terminal Pumping Station (which pumping station is more specifically described in Section 9) with the sewage treatment facilities, and the sewer line or lines connecting the sewer system of the Village with such terminal pumping station. The City shall continue to own the interceptor sewer line or lines connecting the sewer system of the City of Binghamton with the sewage treatment facilities."
- Comment 11, Section 6(B). Amend the latter portion of the sentence to state the following: "...and prior written approval shall be obtained from other New York State and federal agencies as may be required."



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- Comment 12, Section 6(C). Amend the beginning of the sentence to state the following, “In the absence of any agreement or bidding instructions to the contrary, bid proposals. . .”
- Comment 13, Section 6(D). Amend the beginning of the section to state the following, “No Joint Sewage Project contract for the construction or repair of secondary treatment facilities shall be awarded and no such contract shall be deemed. . .”
- Comment 14, Section 7. Capitalize “Treatment” and replace “facilities” with “Plant”.
- Comment 15, Section 9. In the second sentence, replace “facilities” with “Treatment Plant”. In the third sentence, strike the phrase “presently being constructed”. In the fourth sentence, capitalize “Treatment” and replace “facilities” with “Plant”.
- Comment 16, Section 1. Amend the first sentence in part to state the following: “. . . if an agreement substantially in the form of the agreement set forth as Exhibit ____ is duly authorized and executed.” The City Clerk and the Village Clerk shall organize and number each exhibit.
- Section 11(D). Capitalize “Fiscal Officer”.
- Comment 17, Section 12(B). Amend the beginning of the section to include the following sentence: “On or before the effective date of IMA I, the mayor of each party appointed one member for a three-year term, one member for a two-year term, and one member for a one-year term. Thereafter, each Board member shall. . .”
- Comment 18, Section 12(C). Amend the end of the section to include the following sentence: “Such reimbursement shall be subject to the same budgetary and other controls as any other expenditure.”
- Comment 19, Section 12(D). Amend the beginning of the section to include the following sentence: “Four members shall constitute a quorum for the transaction of business at any meeting”. Capitalize “Fiscal Officer”.
- Section 12(D)(i). Amend in part to state: “. . . Sections 22, 24, 25, 27 and ____.” List additional sections as may be necessary based upon other amendments.
- Comment 21, Section 12(D)(viii). Include the following statement: “The minimum general liability (personal injury) and automobile liability (personal injury) requirements stated above may be satisfied by a combination of policies, including ‘umbrella’ liability policies, provided that the total coverage in force under all such policies equals or exceeds the combined minimums stated above for general liability (personal injury) plus automobile liability (personal injury).”
- Section 12(D)(xi). Correct the assigned section number.
- Comment 23, Section 13. Capitalize “Fiscal Officer” throughout section.
- Comment 24, Section 13. Amend “Section 119-O” to “199-o”.
- Comment 25, Section 14. Strike “this agreement” and replace with “IMA I”.
- Comment 26, Section 14. Include the following statement: “The City shall amend its Charter and adopt any necessary supplemental legislation to permit persons otherwise qualified who reside in the Village of Johnson City or the counties listed above rather than in the City of Binghamton to participate in civil service examinations for appointment to or employment by the Board. The Village shall make any necessary amendments to its local laws, ordinances, resolutions, and regulations, to permit persons otherwise qualified who reside in the City of Binghamton or the counties listed above rather than in the Village of Johnson City to participate in civil service examinations for appointment to or employment by the Board.”
- Comment 27, Section 16. Amend “Owner” to “Owners”.
- Comment 28, Section 18. Strike “this agreement” and replace with “IMA I”.
- Comment 29, Section 19. Amend the first sentence to state the following: “The City agrees to provide 54.8% of the cost of the secondary treatment facilities described in Section 5.”



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Major Changes. Outlined below are those items City Council agreed to classify as “major changes” requiring further discussion in a joint session with the Village of Johnson City Board of Trustees.

- Section 1. Clarify the definitions of “PLANT” and “FACILITIES”, and amend references as necessary throughout the entire document.
- Comment 5, Section 1. Removal of the phrase “other than” and replacement with the word “including”. Should the definition of “SERVICE AREA” be revised?
- Section 3. Should this section be retired to an appendix outlining all historical language?
- Section 5. Should this section be retired to an appendix outlining all historical language?
- Comment 12, Section 6(C). Should this section be retired to an appendix outlining all historical language?
- Comment 13, Section 6(D). Should this section be retired to an appendix outlining all historical language?
- Section 9. Should this section be retired to an appendix outlining all historical language?
- Section 12. Review the manner in which BJCJSB members are appointed and approved.
- Comment 20, Section 12(D)(vii). Amend to state the following: “To provide copies of minutes from all official proceedings to the City of Binghamton and the Village of Johnson City at least on an annual basis, on or before April 1st.”
- Section 12(D)(viii). Determine what types of insurance should be maintained, and in what amounts. Review the list of existing insurance policies.
- Comment 22, Section 12(D)(xii). Keep language, but move to a more appropriate location.
- Section 13. Review the need for an official bond dedicated to the BJCJSB Fiscal Officer.
- Section 23(G)(ii). Amend language to clarify that the transfer requests must be submitted to the BJCJSB Fiscal Officer.

Future Actions. The Public Works/Parks and Recreation Committee ended the review at Section 24. The Committee will review the remainder of Mr. Crumb’s comments during the City Council Work Session held on Monday July 7, 2014.

Adjournment. Motion to adjourn at 6:20pm.

Moved by Webb, seconded by Papastrat.

Voice vote, none opposed.